

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:)	Group Art Unit: 1709
)	
BRUCE W. ANDERSON <i>et al.</i>)	Examiner: Ramdhanic, B.
)	
Serial No. 10/758,304)	Atty. Docket No. GP106-10.CN2
)	
Filed: January 14, 2004)	Confirmation No. 5359
)	
For: PENETRABLE CAP)	Filed via EFS Web

TERMINAL DISCLAIMER

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Gen-Probe Incorporated, the owner of 100% interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of U.S. Patent No. 6,716,396. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and U.S. Patent No. 6,716,396 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of U.S. Patent No. 6,716,396, as presently shortened by any terminal disclaimer, in the event that U.S. Patent No. 6,716,396 later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims

Terminal Disclaimer
Date: December 13, 2007

Serial No. 10/758,304
Atty. Docket No. GP106-10.CN2

cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Please charge the fee due under 37 C.F.R. § 1.20(d), and any other fee which may be due, to Deposit Account No. 07-0835 in the name of Gen-Probe Incorporated.

Respectfully submitted,

Date: December 13, 2007

By: /Charles B. Cappellari/
Charles B. Cappellari
Registration No. 40,937
Attorney for Applicants

GEN-PROBE INCORPORATED
Patent Department / Mail Stop #1
10210 Genetic Center Drive
San Diego, California 92121
PH: 858-410-8927
FAX: 858-410-8928